



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

June 25, 2015

Mr. Carl M. Highsmith
Federal Highway Administration
5304 Flanders Drive, Suite A
Baton Rouge, Louisiana 70808

RE: Draft Environmental Impact Statement (DEIS) for US 61 to I-10 St. John the Baptist Parish
Reserve Connector

Dear Mr. Highsmith:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region office in Dallas, Texas has completed its review of the proposed project by Federal Highway Administration, Louisiana Department of Transportation, and Regional Planning Commission. The DEIS describes and analyzes the potential effects from three alternative actions and the No Action alternative relating to surrounding populations, public facilities and services, land use and zoning, visual and aesthetic conditions, historic and cultural resources, hazardous and solid waste sites, coastal zone, vegetation, wetlands, wildlife and endangered species, flood zones and plains, water quality, scenic rivers, soils and prime farmland, neighborhood and community cohesion, noise, air quality, displacements and relocations, transportation means, and economic impacts.

Based on our review, we have rated the DEIS as EC-2, i.e.; (Environmental Concerns and Request additional information). EPA's rating system can be found at <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. We have enclosed detailed comments that identify our concerns and recommendations for additional analysis in the Final EIS (FEIS).

EPA appreciates the opportunity to review the DEIS. Please note that a copy of this letter will be published on our website, <http://www.epa.gov/compliance/nepa/eisdata.html>, in order to fulfill our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the FEIS when it is filed using our *e-NEPA Electronic Filing System* at <http://www.epa.gov/compliance/nepa/submiteis/index.html>. If you have any questions or concerns, please contact Kimeka Price of my staff at (214) 665-7438 or price.kimeka@epa.gov for assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Yurk".

Jeffrey Yurk
Associate Director
Office of Strategic Analysis and Planning

Enclosure

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR
US 61 TO I-10 ST. JOHN THE BAPTIST PARISH
RESERVE CONNECTOR PROJECT
IN LOUISIANA**

BACKGROUND

The proposed project provides improved access between the US 61 (Airline Highway) corridor in the Reserve area north to I-10, for general commercial and non-commercial traffic in the Parish and for the Port of South Louisiana. The project location is entirely within the east bank of the Mississippi River and in the greater New Orleans metropolitan region in southeast Louisiana in St. John the Baptist Parish.

COMMENTS

The following comments are offered for consideration in preparation of the FEIS:

Air Quality

Air Quality, Mobile Source Air Toxics (MSATs) – (Page IV-53):

This section notes that “(t)he addition of a new roadway for Alternative P-1 will have the effect of moving some traffic closer to nearby homes; therefore, under P-1 there may be localized areas where ambient concentrations of MSATs could be higher than under the No-Build Alternative”. There is also mention that although substantial construction-related MSAT emissions are not anticipated for the project, there is the possibility that construction activity may generate temporary MSAT increases in the project area. Build Alternatives (pg. IV-46) states that “neither of the two Build Alternatives are located within or adjacent to any residential areas”. This seems to contradict the previous statements.

Recommendation:

The FEIS should incorporate clarifying information as to the proximity of the build alternatives to residential areas.

As discussed in Build Alternatives (pg. IV-45), of the nine (9) census tracts in the study area, only two physically contain the build alternatives (census tracts 705 and 707). Based on data presented in Table IV-22 – Population and Race in the Project Study Area (pg. IV-43), the project study area has a significantly higher concentration of Black/African American population (48.38%) vs. the state average (32.04%) and census tract 705 in particular has an even higher

concentration (66.61%) vs. the state average, in addition to having a notably lower per-capita income vs. the state (Table IV-24 - Poverty in the Project Study Area).

FHWA Order 6640.23A states that when an adverse effect is predominantly borne by a minority or low-income population, the impact is disproportionately high and adverse. As such, all practicable mitigation of near-road air impacts to this population should be considered. The DEIS's evaluation of MSAT emissions appears to only consider the MSAT reductions that will be achieved through EPA's national control programs for the study area in general – not any smaller areas (census tract/neighborhood level) that may experience localized increases of MSAT emissions. The discussion notes that local conditions may differ from national projections.

Recommendation:

The FEIS should provide further discussion on anticipated MSAT & CO emissions for build alternatives relative to potentially impacted populations in census tracts 705 & 707, including (if available) representative MSAT & CO levels for these census tracts vs. parish/state averages.

National Ambient Air Quality Standards (NAAQS) – (Page IV-51):

The DEIS correctly states that St. John the Baptist Parish is currently in attainment of all National Ambient Air Quality Standards (NAAQS). However, it should be noted that St. John the Baptist Parish is represented by the New Orleans Regional Planning Commission (the Metropolitan Planning Organization for the area), and the New Orleans area is vulnerable to being designated as non-attainment for ozone in the next few years. In addition to the long-range planning initiatives for managing congestion included in the document, the New Orleans Regional Planning Commission has applied to and been accepted by EPA into the EPA Ozone Advance program. The Advance program is a collaborative effort between EPA, states and local governments to enact expeditious emission reductions to help near non-attainment areas remain in attainment of the NAAQS. This further reflects the sensitivity of ozone levels in the area, and the need for federally-funded projects in the New Orleans area to consider emissions which contribute to the formation of ozone.

Recommendation:

Because of the air quality concerns of significant population centers within the DEIS study area, EPA recommends that in order to reduce potential short-term air quality impacts associated with construction activities, the agencies responsible for the project should also include a Construction Emissions Mitigation Plan and adopt this plan in the Record of Decision (ROD). In addition to all applicable local, state, or federal requirements, the EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM), sulfur dioxide (SO₂), and other pollutants from construction-related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Plan construction scheduling to minimize vehicle trips;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

Agriculture

The DEIS identifies that agricultural land will be impacted in the short-term and production areas will be reduced.

Recommendation:

The FEIS should incorporate mitigation for loss of food production of any prime farmland soils permanently lost.

Hazardous and Solid Waste

The DEIS discusses the construction and operational activities of the proposed project's alternatives. The DEIS does not identify any impacts associated with hazardous material and/or hazardous or solid waste potentially produced by these activities.

Recommendation:

The FEIS should address the potential direct, indirect, and cumulative impacts of solid and hazardous waste from the construction of new infrastructure. The document should identify projected solid and hazardous waste types and volumes, and expected storage, disposal, and management plans. Also, the FEIS should address the applicability of state and federal requirements. Appropriate mitigation should be evaluated, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization).

Wetlands

Analysis

EPA previously identified concerns that the screening process was focused on acreage, in lieu of a functional assessment of wetlands. A full wetland delineation report with jurisdictional determination and functional assessment of the wetlands are not included in the DEIS, which should be used to develop impacts and the mitigation needed.

EPA is concerned that the analysis of impacts to wetlands is limited. The DEIS includes many detailed analyses to describe various aspects of the proposed build alternatives; however, in comparison, the environmental information is vague and in general terms. It appears that carbon footprints of the build alternatives have not been analyzed and presented for public review. In addition, the carbon sequestration and carbon sink function of the wetlands that will be removed or otherwise affected should be addressed and mitigated. This function may be very important in the corridors in Louisiana with industrial emissions.

Recommendation:

The FEIS should incorporate a full wetland delineation report with jurisdictional determination and functional assessment for build alternatives, including an investigation of functions for flood flow attenuation, sediment stabilization, sediment toxicant retention, nutrient removal and transformation, production export, wildlife diversity and abundance, aquatic diversity and abundance, carbon storage and sequestration, and groundwater recharge and discharge.

Elevated Roadway and End-on Construction

DEIS discusses an elevated roadway with end-on construction over wetlands. However, it is unclear whether there is a commitment that the proposed build alternatives would utilize the end-on construction and elevated roadway as a construction method or proposed as a mitigation,

or utilized only for estimating purposes. Elevated roadways may produce adverse impacts, such as shading effects on forested, shrub, and emergency wetlands, and introduction of chemicals associated with road deicing compounds and automotive fluids.

Recommendation:

The FEIS should clarify the use of end-on construction and elevated roadway relating to the construction method, mitigation proposal, or utilized only for estimating purposes.

Clean Water Act (CWA) Section 404 Permitting

The DEIS identifies that a CWA Section 404 Permit will be obtained for the proposed project. As such, EPA will provide comments and recommendations, if applicable, based on a regulatory review, which should be resolved in the FEIS. All mitigation should be included in the Record of Decision Document.

Traffic Noise and Impacts

The DEIS discusses noise abatement measures may include noise barriers, alteration of horizontal and vertical alignment, and traffic management measures. Table IV-27 Summary of Noise Impacts identifies 36 – 47 total impacts from the proposed build alternatives. Also, the DEIS identifies noise sensitive receptors along US 61, LA 3188, and US 51, including seven residences within 500 feet of Alternative P-1 and approximately 500 noise sensitive receptors of residences, churches, RV parks, schools, parks, cemeteries, and playgrounds within 500 feet of roadways within the project limits. However, the DEIS states that there are no noise barriers that are considered reasonable or feasible for the proposed build alternatives. It is unclear how the traffic noise impacts will be addressed.

Recommendation:

The FEIS should clarify how traffic noise impacts will be addressed and any mitigation.

Greenhouse Gases and Climate Change

Climate change and greenhouse gases (GHG) were not mentioned or analyzed in the DEIS.

Recommendation:

EPA recommends that climate change and GHG issues be analyzed consistent with the CEQ's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts when conducting environmental reviews under NEPA.

Mitigation Measures

In the Summary of Mitigation, Commitments, and Permits Section, the DEIS identifies mitigation is necessary for wetlands, wildlife, surface water quality, and ground water quality. However, the DEIS states that there are no commitments at this time, and the State will work with regulatory agencies to develop appropriate mitigation. Specific measures were not identified.

Recommendation:

The FEIS should clarify the specific mitigation measures and incorporate a commitment to implement mitigation measures selected to reduce or avoid any adverse impacts from the proposed project.

Cumulative Impacts

In the Cumulative Impact Evaluation and Summary Section, the DEIS states that the build alternatives should effectuate a change in transportation utility and capacity, as well as in traffic circulation and traffic patterns on major roadways within the project study area. Also, the DEIS identifies current on-going improvement projects or developments to LA 637 and US 61, and land use development and redevelopment. EPA recommends that the cumulative impact analysis be expanded to evaluate resources and ecosystems components cumulatively impacted by the proposed action and other actions, utilizing CEQ's handbook "Considering Cumulative Effects under the National Environmental Policy Act" (CEQ 1997).

Consultation and Coordination with Indian Tribes

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249; November 6, 2000), requires regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. The DEIS does not provide any data related to communication efforts to local Tribal Communities. The State of Louisiana recognizes the following Tribal Nations: United Houma Nation, Point au Chien Indian Tribe, Grand Cailou/Dulac Band of Biloxi, and Bayou Lafourche Band of Biloxi.

Recommendation:

The FEIS should include complete descriptions of consultation and coordination activities, including correspondence to and from Tribal governments and other consultation-related documents. These documents would demonstrate fulfillment of Tribal consultation duties by the lead agencies and Tribal government engagement.

Threatened and Endangered Species

The DEIS does not contain a final determination on the environmental consequences of the proposed alternatives relating to threatened and endangered species. The U.S. Fish and Wildlife Service (USFWS) and Louisiana Department of Wildlife (LDWF) were contacted but there is not a concurrence from USFWS and LDWF on any conclusion reached in the DEIS.

Recommendation:

The FEIS should incorporate concurrence from USFWS and LDWF regarding impacts of the proposed project to threatened and endangered species.

Other Associated Plans and Activities

The DEIS identifies and discusses additional plans and activities that will be initiated which could affect this DEIS. The DEIS references the Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMP) for construction and emergency response procedures; however, the SWPPP and BMP plans are not included in the DEIS.

Recommendation:

The FEIS should incorporate the associated plans, including copies of or identifying accessible locations, for evaluation.

Consultation and Coordination

Coordination with several local, state, and national agencies concerning environmental laws and executive orders is ongoing. There are also a number of permits referenced in the DEIS that will need to be acquired prior to project construction commencing.

Recommendation:

EPA recommends that coordination correspondence be included in the FEIS.